

FILED

DEC 06 2005

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:) Chapter 7
GEORGE A. SINGH, JR.,) No. 4-05-bk-02601-JMM
)
) **ORDER**
Debtor.)
(Opinion to Post)

The Debtor has filed a motion to avoid lien of Wachovia Bank (Docket #16). The Debtor's Motion was served at the domestic addresses of Wachovia Bank,, but not on the statutory agent. Nor is the court persuaded that the party upon whom the motion was served actually received it, or was authorized to receive service for the corporation.

FED. R.CIV. P. 4(h) provides that:

Unless otherwise provided by federal law, service upon a domestic or foreign corporation or upon a partnership or other unincorporated association that is subject to suit under a common name, and from which a waiver of service has not been obtained and filed, shall be effected:

(1) in a judicial district of the United States in the manner prescribed for individuals by subdivision (e)(1), or by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant

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1 The court finds that the motion to avoid lien of Wachovia Bank was not served in accordance with
2 FED. R.CIV P.. 4(h)(1). Accordingly,

3 IT IS ORDERED that the motion to avoid lien of Wachovia Bank is DENIED without prejudice.
4

5 DATED: December 6, 2005.

6
7 
8 JAMES M. MARLAR
UNITED STATES BANKRUPTCY JUDGE

9 COPIES served as indicated below this 6th
10 day of December, 2005, upon:

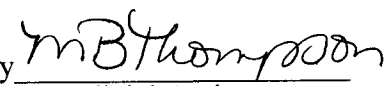
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24
25 By 
Judicial Assistant
26